THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 15173 of 2005

Dated 03-08-2005

Between:

PETITIONER

Anil Ratanpal.

And:

1. The Chairman, Industrial Development Bank of India, IDBI Towers, Cuffe Parade, Mumbai-400 005 and others.

RESPONDENTS

ORDER:

This writ petition is filed by the petitioner questioning the order passed by the 2nd respondent dated 01-06-2005 under which seven Managers were promoted as Chief General Managers while at the same time denying the candidature of the petitioner for promotion.

This matter came up for admission on 14-07-2005. As this Court felt it has no jurisdiction as the petitioner was admittedly working and residing at Bhuvaneswar, in Orissa State, while the respondents-authorities who passed the order and the other authorities are situated out side the territorial

jurisdiction of this Court, hence the writ petition is not maintainable before this Court. The learned counsel sought for adjournment. Now, he has come up with explanation that the residence of the petitioner would not govern the jurisdiction but it is only the cause of action which arose by the action of the Government or the authority. Therefore, according to the petitioners, part of the cause of action arose in Andhra Pradesh. In fact, the petitioner filed a writ petition No.22656 of 2004 questioning the transfer of the petitioner from Andhra Pradesh to Bhuvaneswar. In view of the pendency of the above writ petition and even though the petitioner is not residing in Andhra Pradesh, he stated that he is entitled to file the present writ petition here in the light of the judgment of the Allahabad High Court reported in DAYA SHANKAR BHARDWAJ v. CHIEF OF THE AIR STAFF, NEW DELHI AND OTHERS ().

I have considered the contention of the learned counsel for the petitioner as well as the judgment of the learned High Court placed before me.

In the present case, admittedly, neither the respondents-authorities who passed the order are within the jurisdiction of this Court nor the petitioner is residing within the territorial jurisdiction of this Court. Admittedly, the petitioner was working in Bhuvaneswar as on the date when the impugned order dated 01-06-2005 was passed by the 2nd respondent. Therefore, without going into the merits of the case, this Court is of the opinion that no cause of action arose within the territorial jurisdiction of this Court and hence, the writ petition is not maintainable.

Accordingly, the writ petition is dismissed. No costs.

However, it is made clear that it is open to the petitioner to approach the appropriate forum.

_____

Justice S.ANANDA REDDY

Date : 3rd August, 2005

Dvs

HONOURABLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 15173 of 2005

Dated 03-08-2005